

The regular meeting of the Town Assembly of the Village of Arden was held on September 26, 1983, Chairman William Press presiding.

In attendance were:

Mary Morley	Cecelia Vore	Kathy Carlson (NV)
Jim Brooks	Joan W. Colgan	Mark W. Madias
Beatrice Jaffe	Pat Liberman	Elizabeth Varley Walker
Virginia Shaw	Connie McKinney	Jimmie McCarty
Sarah Hamburger	H.R. Monfort	Lee Starr
Bob Pollack (NV)	Ethel Monfort	William Theis
Helen Macklem	Frank Young	Emily George (NV)
Jean Brachman	June Kleban	Bill Press
Bernie Brachman	Gail Rinehart	Barrett Lewis
Rowena Austin	Ruth Shaw	Larry Walker
Susan Rohrbach (NV)	Gene Shaw	Ruth Holcomb
Helen Vinson	Bea Phillips	Don Holcomb
Amy Potter Cook	Katherine D. Kelly (NV)	Mary Brent Whipple
Ruth Panella	Cy Liberman	Jim Schwaber
Rae Gerstine	Alton Dahl	John Gray
Pat Press	D. Florschutz	Ed Rohrbach (NV)
David Warner	Aaron Hamburger	Mike Curtis
Dora Johnson	Barbara Fenske	John Hewlett
Carl Falco	Frank Akutowicz	

The minutes of the June meeting were approved as read.

Communications to the town were reported by the Secretary:

- Gwynne Smith, our Representative, alerted us by phone this week that all residents 60 years or over were eligible to register for a free cheese and butter distribution. Eligible residents were contacted by the Registration Committee.
- A letter from the Delaware Heritage Commission inviting interested Delawareans to attend a meeting on October 18 at Legislative Hall, Dover, to help plan activities to commemorate the 200th anniversary of Delaware's ratification of the U.S. Constitution.
- A letter from Temma Tanzer presenting detailed information about the Kellys' request that the town grant access from the Kelly property to Meadow Lane. She urged the assembly to reject this request.
- A letter from Ethel and Harold Monfort covering suggestions as to how access to Meadow Lane could be handled and recommending that the Chairman of Town Assembly appoint a committee of Arden residents to study the legal, financial and physical aspects of the problem, to negotiate with the owner and then to present a plan to Town Assembly for consideration.

STANDING COMMITTEE REPORTS

Trustees - Cy Liberman

First, I must tell you that Mr. Gladstone suffered a heart attack one week ago. He is recovering well, he took part in the preparation of this report, and will be home from the hospital tomorrow.

Second, I want to mention that Arden received some favorable publicity in an article on Delaware in the National Geographic Magazine which many of you have probably seen. A man in the

Chicago area wrote that he is coming to have a look at Arden with the idea of retiring here. Another man, in the State of Israel, wrote for material on the history and development of Arden. He said he lives in a planned Utopian community and is interested in learning more about ours.

Now, on to some problems and facts about our own Utopia.

The Trustees are ready to pay the County and School taxes tomorrow. They add up to \$93,687.91.

After the County set the tax rates the Trustees decided to get a break down of the computation of our County tax rate-- which is 88 cents per \$100 of assessed valuation. We found that 49.5 cents of that is charged for local service functions, and that police operations and communications account for 44.2 cents out of the 49.5. There are small amounts for advanced planning (1.8) for planning services (.6) for 911 communications (1.8) for building inspection (.9) and for the County housing authority (.4). The general operating budget tax rate was 38.5 cents. This pays for all the County administrative offices, the so-called row offices (recorder of deeds, prothonotary, and so on) for libraries, and for paramedic service. The portions of the County budget in which Arden, as a municipality, does not participate are drainage, local parks and recreation. The unincorporated areas pay an additional 18 cents for those services-- the difference between their rate of 1.06 and our rate of 88 cents.

After looking at the cost of the various local service functions, the Trustees did not recommend the village seek any change in this arrangement, which has been in effect since 1967.

We reported at the June meeting that the boundary dispute involving the line between the Melton leasehold and the former Stephens leasehold, now held by the two Stephens daughters, has at last been settled. Since then financial details have been worked out and we are preparing to issue new leases recognizing the new boundary.

You have a copy of the financial report which shows that the village will continue to be financially healthy, even after payment of the taxes.

Budget - Presented by Carl Falco for Leon Tanzer

Budget on file.

Ruth Panella, Civic Committee Chairman, moved that the Commons and Forests budget be increased to \$12,000 in line with previous budgets. She explained that the \$11,000 figure was a mistake.

Discussion:

What about the \$11,500 unspent Civic reserve fund? If this is not used for a storage building, should it be counted as Civic Committee money or town reserve? Bill Press stated that the Assessors see it as town reserve money. Gail Rinehart expressed concern that if the Civic reserve fund is swallowed up by the storage building or the town budget, we may find ourselves short of road repair funds. Road repairs have been light during the last two years, hence the reserve, but expenses may be looming.

Motion passed.

Discussion of storage shed item.

It was suggested that it would be clearer to the voters if we included a footnote to the budget explaining that the \$11,500

Civic reserve is to be used for the shed. It now looks as though the shed would only cost \$1,000 when that amount is really meant to cover the deficit between the Civic reserve and the amount of the bid received. The Budget Committee did not want to reveal the bid since this would give other bidders an unfair advantage.

Budget Report accepted.

Civic - Ruth Panella

- Work on the Memorial Garden is nearing completion. The swale area has been smoothed over and a hearse pad is still to be installed.
- The Dept. of Highways has completed the drainage project along Harvey Rd. We are hopeful that the drain will function satisfactorily.
- Gail Rinehart will again be the person to call in the event of problems with trash removal.
- Snow removal will again be contracted by Wayne Kershaw. In the case of plowing problems, Gail will also handle questions or complaints. In the daytime or if Gail is unavailable, Joan Colgan has volunteered to take the messages for her. A reminder will be placed in the next issue of the Arden Page.
- Our budget request is \$22,000 which is the same amount granted last year.
- Dorsey Lebeis has submitted the bill for Arden's share of the Summer Youth Employment Program.. The amount is \$170 for a number of jobs requested by the Civic and Playground Committees.

Discussion:

Complaints were voiced concerning the Harvey Rd. work. The swale constructed by the Highway Dept. was barely able to handle the last rainstorm, the drain quickly clogged with leaves. Solutions proposed included constructing a new curb storm drain and returning the area to its original condition.

Buzz Ware Village Center - Elizabeth Varley Walker

- The Wilmington Montessori Association has requested the use of the BWVC for summer camp for the last two weeks in August, 1984. The BWVC has requested the WMA to provide a donation to the BWVC for the summer camp use of the grounds. This donation will probably be in the form of a donation of landscape material, playground equipment, or equipment repair items. The Committee asked the WMA to negotiate with the Playground Committee as to the particulars of the donation. A yearly statement of the donation will be made to the BWVC by the WMA.

- The Wilmington Montessori Association and the BWVC have established a joint maintenance committee. The maintenance committee consists of two people from WMA and one from the BWVC. They have met three times since early September and have chosen the following projects for completion this Fall:

- 1) Replace the roof over rooms 1 and 2, over the stage, and over the office. The gutters will be replaced.
- 2) Repaint the exterior of the building.
- 3) Replace the vinyl tile floor in the hallway.

The Committee is in the process of soliciting bids for these projects, work should be started next month before the weather gets too cold.

- The summer programs at the BWVC were very successful. The programs included three nutritional classes and an eight week yoga class. there are plans to hold a group of "international evenings" during the Fall.

- oThe BWVC approved a request from the WMA that a sign identifying the school be placed under the BWVC sign. The sign will only be up during the school year.
- oThe BWVC approved a WMA request to construct a rabbit hutch to be located outside the Center for the children in room 2. The hutch will be custom built by a rabbit-raiser parent, and the operations will be closely supervised by the WMA staff.

Discussion

The Assembly requested that WMA provide a financial report on their summer camp so we can judge what compensation for use would be equitable. The summer camp does interfere with Arden's use of Sherwood Green, could we limit their playground use? The committee must be careful, in their planning with WMA, to make sure the summer camp use does not interfere with the Arden Fair set-up.

Playground - Rowena Austin

Inspections were completed in July, August, and September and all equipment is in safe working order. The overhaul of the horses is underway. Two park benches have been installed on the Village Green. The Summer Youth Employment workers scraped and painted the equipment on the Green except for the baseball backstop which had been painted during its recent overhaul. This committee commends Dorsey Lebeis and the workers for a job well done. The equipment on Sherwood Green is scheduled to be repainted within the next few weeks.

Safety - Jim Brooks

The weekend patrol of the Green has ended until next summer. We feel the patrol was well worth the expense. No one has contacted us to discuss town watch. We still need to talk to David Skiles to set up a schedule. We know of 9 signs to either straighten or replace.

Marie Dugan, WMA Director, received a letter from Stephen Treut, District I Traffic Engineer, to the effect that her request for pedestrian crossing signs and a crossing guard at the intersection of Harvey and Orleans was misplaced. "School Children Walk Along This Road" signs will be erected and the crossing guard request is being considered.

Pat Liberman volunteered to schedule the Town Watch Program.

Registration - Virginia Shaw

There are 386 eligible voters on this date. We regret that illnesses and the extreme weather of the summer months prevented our scheduling the last two of the current series of open houses, but we hope to do so after the fall referendum. We plan to conduct the fall referendum under the somewhat tightened guidelines we announced in March. They will be carefully detailed in the enclosed directions.

Community Planning - Cecelia Vore

●The Memorial Garden

From observations throughout the summer we conclude that the pond area of the Memorial Garden is consistently wet. The area never dried up--even during the driest times of this summer's drought. We can now proceed to plan landscaping with moisture-loving plants, and we are seeking suggestions in the following ways;

- 1) We have made up a questionnaire for anyone who wants to recommend a specific plant.
- 2) A notice will be placed in the October Arden Page and notices will be posted on the town bulletin boards.
- 3) Personal solicitations are now being made from Arden's most prominent gardeners and advice will be sought from local resources such as the Brandywine River Museum, the Delaware Nature Education Society, and Mr. Hal Bruce.
- 4) A garden-planning meeting will be held Wednesday, October 26 at 7:30 in the Buzz Ware Village Center.

o The Arden Book

Regular distribution of the Arden Book to new residents will begin this week. We have only 42 copies left, so a new edition is in order. We will begin this project in January.

o Storage Shed

At the September Town meeting, the committee was instructed to investigate the Avery property as an alternative site for the storage shed. This property is bounded by Marsh Rd. and adjoins the Sherwood Forest. I spoke to Marcia Avery on Sept. 24. At that time she could not give me a purchase price. The use of the land is still waiting a legal decision. Any eventual purchase of land, however, would be based on a per square foot price. Further, if the property is sub-divided for a housing development, there is the distinct possibility that residents would object to a storage shed in their backyard.

Since the last Town Meeting, I also visited the proposed site of the storage shed and made some measurements. The proposed site, on the east side of the water tower, is approximately 200 feet from the Florschutz leasehold. It would necessitate clearing a patch of woods about 22 feet wide and 50 feet deep. There are several large trees at the edges of this area, but they could be avoided.

The entire Community Planning Committee reviewed the storage shed proposals on Sept. 21 and discussed the concerns that were voiced at the last Town Meeting regarding the use of the woods for such a purpose. If the proposed site of the storage shed is the best choice given cost and availability of other land--then we accept this decision as a necessary, albeit undesirable, use of our woodlands. But we should realize that if we were to buy a similar piece of property outside of Arden, it would cost us thousands of dollars. Our woods should therefore be regarded as equally valuable land, and every effort should be made to protect and even enhance this valuable property. We will have a specific motion to present to the Assembly later in the meeting, which we hope will help to protect the Sherwood Forest.

o New Committee Member

Naomi Clark has resigned from the Community Planning Committee. Other obligations have kept her from participating in the committee. We have asked Ethel Monfort to finish out Naomi's term and she has graciously agreed.

OLD BUSINESS

The following were nominated to run for the Board of Assessors:

Bernard Brachman, Alton Dahl, Carl Falco, John Grimaldi, Donald Holcomb, Ruth Holcomb, Barrett Lewis, Harold Monfort, William Press, Eugene Shaw, Lee Starr, William Theis, Mary Brent Whipple.

Motion of the June Town Assembly lifted from the table. That the

Town Assembly approve the Civic Committee's plan for a set fee and certain restrictions to be placed on the present request for one accessway from Meadow Lane to lots 3 and 6 on the current Kelly/Dolmetsch property. The fee required will be a one-time payment of \$500 for permission for construction of one driveway at the common property line for one single-family residence per lot.

Ruth Panella, Civic Committee Chairman, moved that the motion be withdrawn. Recent advice from the County Planning Department that two accessways would be preferable to one makes the motion obsolete.

Motion passed unanimously.

Moved, by Harold Monfort, that The Chairman of Town Assembly appoint a committee composed of Arden residents to study the legal, financial and physical aspects of the Meadow Lane Access problem, to negotiate with the owner and then to present a plan to Town Assembly for consideration.

Discussion:

Cy Liberman presented the Trustee's report of further legal advice from Joe Rosenthal, town attorney. Mr. Rosenthal has discussed the matter with the attorney for the property owners, Mr. Franta, and they have produced a document Mr. Rosenthal states will positively protect the town from the intensive future development envisioned in the letter from Temma Tanzer. This document is a deed restriction which would be filed in New Castle County records with the deed to the property. This document specifies that Arden grants permission for two driveways onto Meadow Lane and that each driveway may be used only to service one single family dwelling. This proposed deed restriction could not be overturned by the Board of Adjustment. It could not be changed in any way except by agreement among the property owners (who might be two--there are two lots) the Village of Arden and the Trustees of Arden. If this document is executed there can be no street--just two driveways and two houses.

Can Arden legally refuse to grant access altogether? This question was asked and answered last June in earlier discussion of this matter. Mr. Rosenthal said again it would be difficult to defend a position of leaving two lots landlocked because the Village of Arden arbitrarily refuses to grant access. If we refuse there must be a good reason for it--or we can be sued and forced to grant access to a municipal street to an abutting landowner. Mr. Rosenthal agreed that \$500 is a reasonable price for this permission.

Cy spoke in favor of Harold's motion, feeling we should ask the owners for an annual payment to cover the cost of trash removal and urging the committee to work out a reasonable deal between the town and the landowners.

Pro: Town Assembly is too large a body to sort out the complicated details of this issue. The present legal opinion is not enough, we need to think in terms of overall town planning.

Con: We have a definitive legal opinion, why do we need further study? Mrs. Kelly asked the town for a speedy resolution, the delay is causing her economic hardship.

Amendment to motion: This committee should report to a Special Town Assembly to be held within 60 days of this meeting. Notices will be mailed to all residents.

Motion as amended passed 27 aye, 5 nay.

Storage Shed

Moved that the Civic Committee be empowered to build a storage shed at the location approved by the Community Planning Committee and this body and the \$1,000 allocation in the budget be retained.

Discussion:

Pro: The Community Planning Committee recommends the site on the east side of the water tower because it involves cutting down the fewest trees. Access should be from Hillside Rd. This is a more direct and obscure entrance than Marsh Rd. Marsh Rd. entrance should be allowed to grow over.

The town needs a place to store sand and salt because we are the only town in Delaware that maintains its own roads.

Con: Wayne Kershaw and Woody Vandever do not believe the Hillside Rd. entrance is manageable for heavy machinery. Civic Committee recommends a site on the west side of the water tower and access from Marsh Rd. This entrance is a fire lane and an accessway for the water company and must be kept open.

Why can't we share storage space with Ardencroft? We must protect our woodlands. If we erect a building in the woods we will need to pave an entrance road so the truck will not get stuck during the winter.

Motion defeated, 28 nay, 13 aye.

The budget item of \$1,000 for the storage shed will be deleted from the budget presented for referendum.

The Civic Committee will continue to study the storage shed issue and hopes to have a firm proposal by next September. Meanwhile, Wayne will continue to transport sand/salt from a distance for this winter.

Trustee Referendum Study Committee

Trustees response - Cy Liberman

It is well known from Mr. Gladstone's participation in the work of that committee that the complex referendum procedure recommended in the report is not acceptable to the Trustees. We readily concede that the Town Assembly has the right to set procedures to be followed by the Registration Committee, but we are not required to use the Registration Committee in the confirmation process. We would prefer to use the service of that committee, provided the committee is permitted to use procedures that are workable, democratic and will allow a majority vote to emerge. But the procedures recommended by the Referendum Study Committee unfortunately do not meet that description.

We received a very thoughtful letter from an Arden resident suggesting that in the future the Trustees make a nomination to fill a vacancy in their ranks by coming up with their selection themselves,

without the aid of a list of suggestions from the Advisory Committee. This is what was done for many years until recently, and we favor that suggestion.

We recognize fully that the Study Committee did a great deal of work and even if we did not adopt its recommendations, the work was not in vain. It helped to educate the community on the provisions of the deed of trust. It made people think. We thank the committee members for their work.

Moved and seconded that the committee continue to study the problem and come back to Town Assembly with simpler procedures for the Registration Committee to use for the confirmation procedure for the Trustee Referendum.

Discussion:

Several committee members felt further study would be a waste of their time since the Trustees do not feel the need of direction. The Registration Committee felt that to leave things as they are was unfair to them; it leaves them without clear-cut directives from the Town Assembly.

Motion passed.

GOOD AND WELFARE

Town Assembly minutes will be available at least one month before each meeting. Interested residents can contact the secretary for a copy and several copies will be left in the library. The Registration Committee is also on hand one-half hour before Town Assembly with copies of the minutes.

The secretary was instructed to send a welcome home and best wishes for a speedy recovery message to Shaul Gladstone from the town.

Cecelia Vore reported that she has organized a Committee to go Slow in Arden. Membership is open to all. The purpose is to drive slowly on Harvey Rd. to discourage speeding.

Sarah St. Hamburger, Secretary